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STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6397

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Ms. Edna May Cate, Executive Secretary
Board of Barbering & Cosmetology
Hazen Drive
Concord, New Hampshire 03301

Dear Ms. Cate:

This letter is in response to your request for an opinion as to whether the Board of Barbering and Cosmetology ("Board") has the authority to regulate the sale of permanents by supply houses to unlicensed professionals. In a subsequent conversation, you indicated that "permanents" refers to the products used in giving a permanent and "supply houses" are businesses selling products wholly separate from any salon, barbershop or school. In our opinion, the Board does not have the statutory authority to regulate supply houses which are wholly separate from any salon, barbershop or school, and thus does not have the authority to regulate the sale of permanents by supply houses.

The authority of the Board under RSA 313-A extends to establishing the qualifications for licensing the practice of barbering and cosmetology and establishing and enforcing the ethical and professional standards to which licensees will be held. The Board is granted authority to license the practice of barbering and cosmetology, to license the salons which are maintained for the business of practicing barbering and cosmetology and to license the schools for teaching the practice. RSA 313-A:8. However, the Board is not granted authority to regulate supply houses which only sell barbering and cosmetology products.

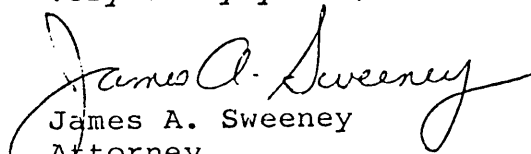
Moreover, neither "barbering" nor "cosmetology" are defined to include the sale of products. RSA 313-A:1, II, VI. Both a



"salon" and a "barbershop" are defined only as a place kept open for practice, and not as a place kept open for the sale of products used in practice. RSA 313-A:1, III, IX. Therefore, since the Board's statutory authority does not extend to supply houses which sell products used in the practice of barbering and cosmetology, the Board does not have the authority to regulate the sale of permanents by supply houses.

I trust that this has been responsive to your question. If you have any further questions, please do not hesitate to call me.

Very truly yours,


James A. Sweeney
Attorney
Division of Legal Counsel

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